

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE MERRILL LYNCH & CO., INC.
SECURITIES, DERIVATIVE AND ERISA
LITIGATION

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Master File No. 07-cv-9633 (LBS) (DFE)

This Document Relates To: *Lambrecht v. O'Neal*,
08-cv-6582

**PLAINTIFF N.A. LAMBRECHT'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS**

Plaintiff N.A. Lambrecht, by her undersigned counsel, hereby serves the following document requests upon nominal defendant Merrill Lynch & Co., Inc. and all defendants under and pursuant to Fed. R. Civ. P. 34. All definitions used in the Complaint are incorporated herein by reference.

1. All documents concerning the letter from Richard D. Greenfield dated January 22, 2008 addressed to Merrill Lynch's Board of Directors ("Demand Letter" and the "Board") attached as Exhibit "A" hereto.

2. All documents concerning any meeting in person or telephonically by any member of the Board in connection with the Demand Letter.

3. All documents concerning any investigation of the facts or circumstances and/or the allegations set forth in the Demand Letter by or on behalf of the Board regardless of when any such documents were created.

4. All documents concerning the statement made in the May 1, 2008 letter from Judith A. Witterschein to Richard D. Greenfield, attached as Exhibit "B" hereto, as follows: "after careful consideration, the Board of Directors has determined that it is not in the best interests of Merrill Lynch to commence legal proceedings."

5. All documents concerning any evaluation and/or determination of the disinterestedness of any member of the Board or any counsel to the Board in connection with the issues raised by the Demand Letter.

6. All documents concerning any proceedings of the Board (including, *inter alia*, agendas, documents provided to, or reviewed by the Board members, and minutes of any such proceedings) with respect to the Demand Letter.

7. All documents concerning any communications between Judith A. Witterschein and any person concerning the Demand Letter and/or any of the issues raised therein.

8. All documents sufficient to identify each and every one of the meetings of the Board between January 22, 2008 and May 1, 2008.

9. All documents concerning the amount of time expended by any member of the Board or any legal, accounting or other professional acting on behalf of the Board in connection with the Demand Letter or any of the issues raised therein or thereby.

Dated: October 27, 2008

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